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January 12, 1951
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How
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Mr. James E. Griswold
Superintendent, Arizona
Pioneers' Home
Prescott, Arizona

Dear Mr. Griswold:

We have your letter of January 8 in which you state:

"I would like to have your opinion as to whether or not the paying of nurses salaries each month regularly out of the Pioneers' Home Hospital for Disabled Miners--Endowment Fund would be considered legal charge against the Fund."

Our Enabling Act provided for certain lands, granted to the State of Arizona, to be held in trust for certain purposes. (Section 23). This act also provided for creation of separate funds corresponding to the respective purposes for which said lands are to be held, in the following language:

" * * * A separate fund shall be established for each of the several objects for which the said grants are hereby made or confirmed, and whenever any moneys shall be in any manner derived from any of said land the same shall be deposited by the state treasurer in the fund corresponding to the grant under which the particular land producing such moneys was by this act conveyed or confirmed. No money shall ever be taken from one fund for deposit in any other, or for

Mr. James E. Griswold
Superintendent, Arizona
Pioneers' Home
Prescott, Arizona

January 12, 1951
Page Two

any object other than that for
which the land producing the same
was granted or confirmed. * * * "
(Sec. 28, Enabling Act)

The people of Arizona carried this provision into our
Constitution in substantially the same language. (Section 7,
Article 10, Arizona Constitution).

Following the mandate of the Enabling Act and Constitution,
our legislature provided as follows, so far as funds arising
from such lands:

"Other land funds.-- The legislative,
executive and judicial public build-
ings land fund; the penitentiary land
fund; the hospital for the insane land
fund; the state charitable, penal and
reformatory institutions land fund;
the schools and asylum for the deaf,
dumb and blind land fund; the miners'
hospital for disabled miners land
fund, and the military institutes
land fund, shall separately consist
of the proceeds of all lands granted
to this state by the United States
for the respective purposes named,
of all property given by individuals
for like purposes, unless the terms
of such gift shall otherwise provide,
and of the sale of timber, mineral,
gravel, or other natural products
or property from lands granted or given
for such purposes. Said funds shall
be and remain perpetual funds for the
benefit and support of the institutions
heretofore or hereafter established
corresponding to the purposes of the
said funds, except as otherwise pro-
vided in the Enabling Act, and the
interest only of such funds together
with the moneys derived from the rental
of said lands and property, shall be
used." (Section 11-1105 ACA 1939)
(Emphasis supplied)

Mr. James E. Griswold
Superintendent, Arizona
Pioneers' Home
Prescott, Arizona

January 12, 1951
Page Three

The general appropriation bill for the 38th and 39th fiscal years reads, in part, as follows:

"Earnings on state lands and interest on the investment of the permanent land funds of the pioneers' home and the hospital for disabled miners are appropriated in compliance with the enabling act and the constitution. (As amended by Laws 1947 (2nd S. S.), ch. 5, § 1.)"

It is apparent that the foregoing appropriation contains no further limitation on the purpose for which such funds will be used than that contained in the Enabling Act, the Constitution and Section 11-1105, supra; i.e., that such funds could be used for no purpose other than the "benefit and support" of the respective institutions for which they are held.

It is our opinion that salaries for an adequate force of nurses are necessary for the "benefit and support" of the Pioneers' Home and that Endowment Fund earnings may legally be expended for such purpose.

Very truly yours,

FRED O. WILSON
Attorney General

WILBERT E. DOLPH, JR.
Assistant Attorney General

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